

Notice of Allowability

Application No.

09/970,188

Examiner

Ted T. Vo

Applicant(s)

RAJARAM, GOWRI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/03/2005.
2. ☒ The allowed claim(s) is/are 1, 4-17, 19 and 22-34.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

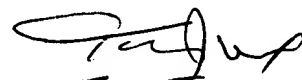
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the ~~attached Examiner's Amendment~~ Comment or in the Office action of Paper No./Mail Date 03/04/2005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/15/04, 1/03/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


TED T. VO
Primary Examiner

1. This communication is in response to the amendment filed on 01/03/05.

- The amendment is fully responsive to the allowable subject matter of Office action dated on 10/20/2004.

- Claims 2-3, 18, 20-21, and 35 are canceled.

-The cited references in the IDS files on 12/15/2004 and IDS files on 01/03/2005 are fully considered.

- The amendment, which has rewritten Claims 1 and 19 into independent forms including limitations of the base claims and intervening claims, overcomes the closest art of record, Moles et al., US Patent Application, Pub. No. 2002/0072359 A1.

- Applicants are reminded that the Drawings filed on 10/03/2001 are accepted by Examiner for examination purposes only. Formal Drawings are required.

Reasons for Allowance

2. Claims 1, 4-17, 19, 22-34 are allowed.

Prior art of record, Moles et al., US Patent Application, Pub. No. 2002/0072359 A1, discloses diagnosing system for testing operations ('system software') in a mobile station in a wireless network. The testing causes receipting and executing diagnostic testing files (processing dynamic instruction sets) for testing the operations in the mobile station. In response to an execution of a diagnosing testing file, it causes the mobile station to execute a mobile station diagnostic testing program in the mobile station diagnostic testing file.

However, Moles does not disclose the combinations of operations/system software in mobile stations associated with symbol libraries, each symbol library comprising symbols having related functionality and being arranged into code sections in a code storage section of a nonvolatile memory,

and receiving patch manager run time instructions, including dynamic instruction sets and new code sections, in a file system section of the nonvolatile memory.

As pointed out by Applicants (Remarks, page 10, lines 7-12) that Claim 1 and 19 are written as independent forms, where each independent claim comprises the limitations of the base claim and the intervening claims and is included with the features that lack in Moles as addressed above.

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention, a method and a system for field diagnosing system software, comprising at least combining features:

"executing the system software, the system software being formed into symbol libraries, each symbol library comprising symbols having related functionality and the symbol libraries being arranged into code sections in a code storage section of a nonvolatile memory;

receiving patch manager run time instructions (PMRTI), including a dynamic instruction set and a new code section, in a file system section of the nonvolatile memory", recited in independent Claim 1, and in such manners in independent Claim 19.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ted T. Vo'.

Ted T. Vo
Primary Examiner
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March 04, 2005